

M.G.Saravanan Vs. the Manager.

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Court : Chennai

Decided On : Mar-19-2012

Judge : K.K.Sasidharan, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : W.P.(MD)No.1933 of 2012 and M.P.(MD)No.1 of 2012

Appellant : M.G.Saravanan

Respondent : The Manager.

Advocate for Pet/Ap. : Mr.B.Jameel Arasu, Adv.

Judgement :

Prayer

Writ Petition is filed under Article 226 of the [Constitution of India](#) praying for the issue of a Writ of Mandamus, directing the second respondent herein to forthwith provide security for construction of compound wall in the petitioner's property in Shed-D4, measuring 3234 square feet, SIDCO Industrial Estate, Ariyamangalam, Trichy.

ORDER

1. The petitioner seeks a Writ of Mandamus, directing the Inspector of Police, Ariyamangalam Police Station, to provide security for construction of a compound wall to protect his property bearing Shed No.D4, SIDCO Industrial Estate, Ariyamangalam, in the district of Trichy.

2. The plot bearing Shed No.D4 was originally allotted to one M.Hidayathullah. The original allottee constructed a building in the said plot. The allottee, after construction of a building, sold it to A.Habibullah and Mrs.Ummal Forida Beevi. The petitioner, thereafter, purchased the property as per sale deed dated 06 March, 2009. The petitioner was recognized as the allottee by SIDCO.

3. According to the petitioner, the local people are using the property as a pathway. They are also taking vehicles through the way. The property has no compound wall and as such, the villagers are using the property freely for egress and ingress. The petitioner was not in a position to construct a compound wall. Therefore, he requires the assistance of police to construct the compound wall.

4. I have heard the learned counsel for parties.

5. The petitioner was not in a position to construct the compound wall on account of the claim made by the Villagers to use it as a pathway.

6. The so-called villagers are not before this Court at least in a representative capacity. Therefore, this Court is not in a position to ascertain the rights of those people to use the property as a pathway. The police can be directed to give protection only to safeguard the established right. There is also nothing on record to show that the petitioner has obtained permission from the local body to construct the compound wall. In case no such permission is necessary, in view of the situation of the plot in an Industrial Estate, necessarily, application should be submitted by the SIDCO before the police. The question of granting police protection to construct a compound wall at the instance of an allottee does not arise for consideration, in view of the ongoing dispute. Nothing prevented the petitioner from impleading the local people, who opposed the move to construct a compound wall, at least in a representative capacity. Therefore, I am of the view that no positive direction could be issued to the police to give protection.

7. It is open to the petitioner to submit an application before the SIDCO to measure the property and put the boundary stones with notice to the people who are having easementary right over the property. In case permission of the local body is necessary for putting up construction, such permission should also be taken. Thereafter, it is open to the petitioner to approach the concerned police in association with SIDCO and in case there is no dispute with regard to the boundaries or easementary right, necessarily, the police would give assistance to the petitioner to safeguard his right.

8. The Writ Petition is disposed of with the above observation. Consequently, the connected miscellaneous petition is closed. No costs.

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